

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

In the Matter of the Arbitration of Certain
Disputes, Claims and Controversies between

Civil Action No.: 2:19-cv-21492-MCA-MAH

Marlon A. Pena,

Petitioner,

RETURNABLE JANUARY 21, 2020

vs.

TD AUTO FINANCE LLC., AKA,
TD BANK, TD AUTO FINANCE

Respondents.

**NOTICE OF DEFENDANT TD AUTO FINANCE LLC'S CROSS-MOTION TO
DISMISS PLAINTIFF'S PETITION TO ENFORCE ARBITRATION AWARD AND
APPLICATION FOR AN ALL WRITS ACT INJUNCTION**

PLEASE TAKE NOTICE THAT on January 21, 2020, or on a date to be set by this Court, Defendant TD Auto Finance LLC ("Defendant") by its undersigned counsel, will move before the Honorable Madeline Cox Arleo, U.S.D.J., at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street Newark, New Jersey 07101, for entry of an order dismissing Plaintiff's Petition with prejudice for failure to state a claim, and granting Defendant's application for an All Writs Act Injunction against Plaintiff.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendant shall rely on the accompanying brief. A proposed order is also submitted herewith.

Respectfully submitted,

BROWN & CONNERY, LLP

Dated: January 7, 2020

s/ Jennifer A. Harris
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